



## City of Seattle

Gregory J. Nickels, Mayor

### Department of Planning and Development

Diane M. Sugimura, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 2409564  
**Applicant Name:** Chris Trujillo for JRJ Development  
**Address of Proposal:** 6034 43<sup>rd</sup> Ave NE

### SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 5,243.30 sq. ft. and B) 5,243.30 sq. ft. Existing structures to be removed.

The following approval is required:

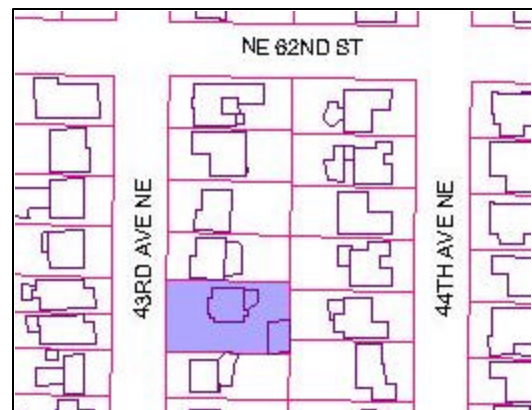
**Short Subdivision** – to subdivide one existing parcel into two parcels of land pursuant to Seattle Municipal Code (SMC) 23.24.

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

### BACKGROUND DATA

#### Site Description and Area Development

The subject property is approximately 10,486.60 square feet and is zoned Single Family 5000 (SF5000). The lot has approximately 78 feet of street frontage along 43<sup>rd</sup> Ave NE and a depth of approximately 135 feet. Forty-third (43<sup>rd</sup>) Ave NE at this location is developed with curbs, gutters, and sidewalks on both sides of the street pavement. There is no mapped or observed City of Seattle designated Environmentally Critical Area (ECA) on the site.



### Proposal Description

The applicant proposes to short subdivide one parcel into two parcel lots. Proposed lot sizes are: A) 5,243.30 sq.ft. and B) 5,243.30 sq.ft. Pedestrian and vehicle access for the lots is from 43<sup>rd</sup> Ave NE.

The subject of this analysis and decision is only the proposed division of land.

### Public Comment

During the public comment period, which ended February 9, 2005, DPD received one written comment.

## **ANALYSIS - SHORT SUBDIVISION**

### **SMC 23.24.020 Content of application.**

Applications for approval of a short subdivision shall include the following:

- A. ☒ Plat of the proposed short subdivision containing standard survey data;
- B. ☒ Vicinity map on which shall be indicated the property to be subdivided;
- C. ☒ Plot plan, as appropriate, showing the location and dimensions of existing buildings in relation to the proposed short subdivision;
- D. ☒ Legal descriptions of the property to be subdivided and of all proposed lots or divisions;
- E. ☒ Name and address of owner(s) of the tract;
- F. ☒ Location of existing roadways, sanitary sewer, storm drain and water main, if any, together with proposed street improvements; and
- G. ☒ Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4 ½) feet above the ground, with species indicated.

### **SMC 23.24.030 Content of short subdivision.**

- A. Every short plat of a short subdivision filed for record must contain:
  - 1. ☒ A certificate giving a full correct description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
  - 2. ☐ If the short plat includes a dedication, the certificate or a separate written instrument of dedication shall contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages

against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road.

3. ☐ Roads not dedicated to the public must be clearly marked on the face of the short plat.
  4. ☐ All short plats containing a proposed dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the short plat is in the name of the owner signing the certificate or instrument of dedication.
- B. ☐ The certificate and instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and shall be recorded as part of the final plat. Any dedication, donation, or grant as shown on the face of the short plat shall be considered to all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors.

**SMC 23.24.035 Access.**

- A. ☒ Every short plat shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.
- B. ☐ Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.
- C. ☐ Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be required.
- D. ☐ Access to new lots shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:
1. ☐ Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and
  2. ☐ The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and
  3. ☐ The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and
  4. ☐ No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and
  5. ☐ There is identifiable access for the public and for emergency vehicles; and

6. ☐ There is no potential for extending the street system.
- E. ☒ Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.

**CRITERIA REVIEW – SHORT SUBDIVISION**

- A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat.
1. Conformance to the applicable Land Use Code provisions (including street improvement requirements);
    - ☒ Zoning review approved.
    - ☒ Development standards of underlying zone (including Overlays).
    - ☒ Chapter 23.53 Streets and Alleys
    - ☒ Chapter 23.54 Parking and Access
    - ☐ Zoning review approved with conditions or corrections.
  2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;
    - ☒ Fire Marshal's Office approved
    - ☐ Fire Marshal's Office approved with conditions
    - ☐ Seattle City Light review approved
    - ☒ Seattle City Light requires easement
  3. Adequacy of drainage, water supply, and sanitary sewage disposal;
    - ☒ Drainage review approved
    - ☐ Drainage review approved with conditions
    - ☒ Seattle Public Utilities Water Availability Certificate (WAC) approved
    - ☐ Seattle Public Utilities requirements for WAC approval
  4. Whether the public use and interests are served by permitting the proposed division of land;
    - ☐ Department of Parks and Recreation approved.
    - ☐ Department of Parks and Recreation approved with conditions.
    - ☐ Department of Neighborhoods (landmark sites or Districts) approved.
    - ☐ Department of Neighborhoods (landmark sites or Districts) approved with conditions.
    - ☒ Building Plans Examiner review and approval.
    - ☐ Building Plans Examiner approval with conditions.

- ☒ The proposal meets all applicable criteria for approval of a short plat as discussed in the analysis and decision, therefore meets this criterion.
5. Conformance to the applicable provisions of SMC Section 25.09.240 , short subdivision and subdivisions in environmentally critical areas;
- ☒ Site not located in a riparian corridor buffer, wetland, wetland buffer or steep slope.  
☐ Site exempt from ECA Ordinance (SMC 25.09.040)
6. Is designed to maximize the retention of existing trees;
- ☐ Site does not contain trees at least 6-inches in diameter measured 4-½ feet above the ground.  
☒ Site does not contain Exceptional Trees as defined in Director's Rule 6-2001.  
☒ The short subdivision meets the applicable provisions of SMC 25.11.  
☐ A tree preservation plan is required.

**SMC 23.24.060 Redivision procedure.**

- ☒ Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter 23.22, property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter 23.28.

**DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. See the conditions at the end of this report.

**CONDITIONS - SHORT SUBDIVISION**

**Conditions of Approval Prior to Recording**

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes and the short subdivision drawings to be recorded shall include the following:
  - Property corners set shall be identified on the plat;
  - Legal descriptions for the existing and proposed lots (with their lot area) shall be included;
  - Encroachments such as side yard easements, fences/retaining walls/rockies or structures shall be shown;

- All ingress/egress/utilities easements shall be shown. If a utility easement is required by Seattle City Light, then the easement in its entirety shall be shown on the face of the plat. Added to the plat shall be the following statement. *“An easement is granted to Seattle City Light as shown on page \_\_\_ of \_\_\_.”*
- 2. The short plat drawings shall be stamped by a licensed surveyor. Final recording forms shall be submitted for approval and any necessary fees paid.
- 3. Insert the following on the face of the plat: *“For conditions of approval after recording, see Page \_\_\_ of \_\_\_.”* (If necessary, renumber the pages).
- 4. Provide a joint maintenance and responsibility agreement for maintenance and use of shared ingress, egress, utility and pedestrian easements.

*After Recording and Prior to Issuance of a Building Permit*

- 5. Attach a copy of the recorded subdivision to all future building permit application plans.

Signature: \_\_\_\_\_ (signature on file) Date: February 14, 2005  
Colin R. Vasquez, Land Use Planner

CRV:bg

Vasquez/2409564 Draft Decision 020805.doc